

**CALENDAR ITEM
C16**

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S 1

06/29/15
PRC 3505.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000, dated December 19, 2000.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3095 Jameson Beach Road, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning August 22, 2015.

CONSIDERATION:

\$654 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoy within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

CALENDAR ITEM NO. **C16** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a 10-year Recreational Pier Lease to William G. Fleckles and Jaqueline N. Fleckles. On February 22, 2013, the Commission authorized the assignment of that lease to Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000, dated December 19, 2000. The lease will expire on August 21, 2015. The Applicant is now applying for a General Lease – Recreational Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C16** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Sheldon J. Kaphan, Trustee of the Sheldon J. Kaphan Revocable Trust of 2000, dated December 19, 2000, beginning August 22, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$654, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3505.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Northwest Quarter of fractional Section 6, Township 12 North, Range 18 East, MDM., as shown on Official Government Township Plat approved July 8, 1874, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to those parcels as described in Exhibit A of that Correctory Grant Deed recorded August 27, 2014 in Document Number 2014-0034216 of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 – BUOY

One (1) circular parcel of land being 50 feet in diameter, underlying one (1) existing buoy adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared April 13, 2015 by the California State Lands Commission Boundary Unit.





EXISTING BUOY



L A K E
T A H O E

375'±

16'

16

EXISTING PIER

60'

6223' ± LTD

APPROXIMATE

10'

SHORELINE

APN 032-120-09

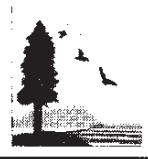
EXHIBIT A

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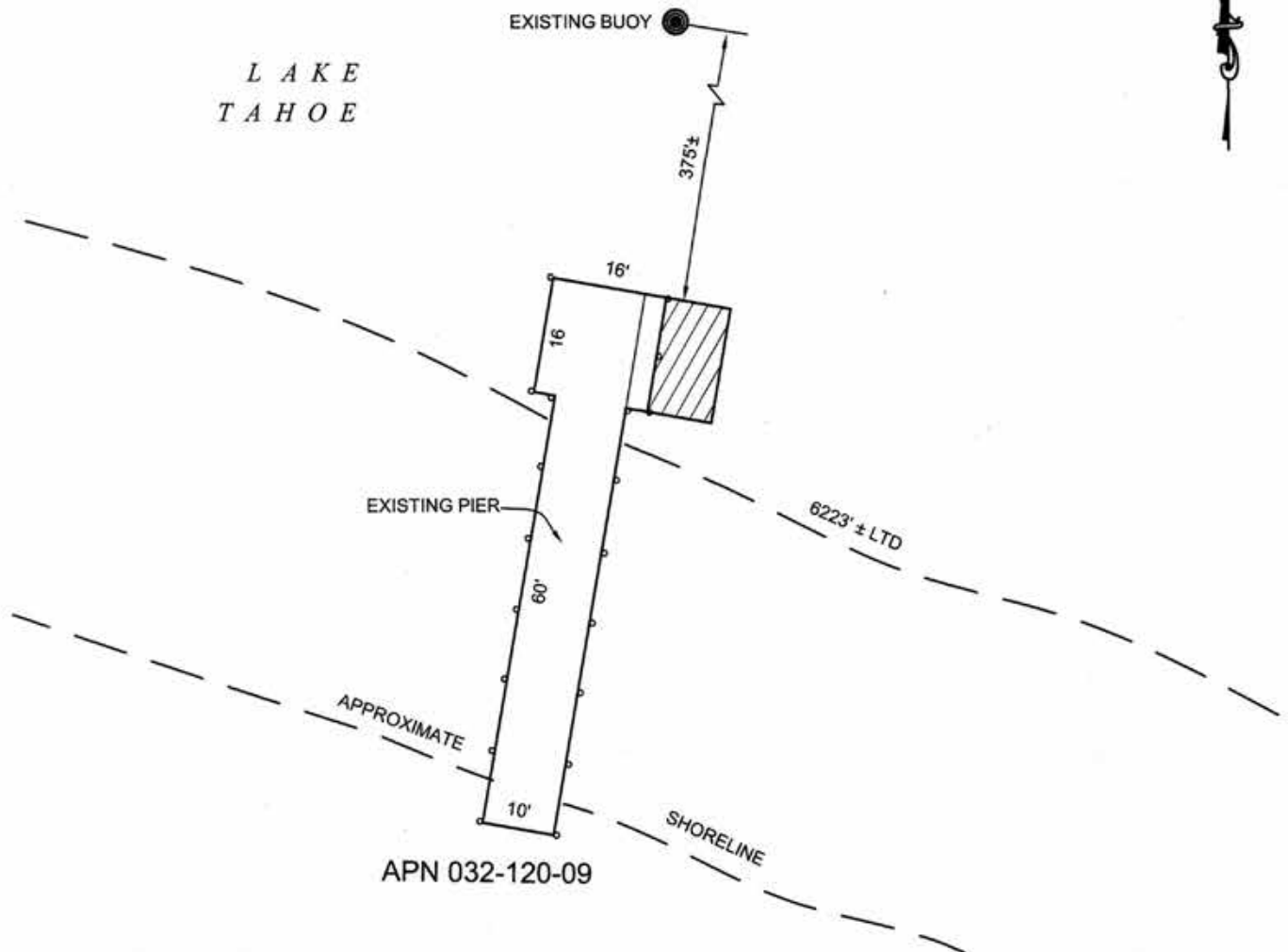
LAND DESCRIPTION PLAT
PRC 3505.1, KAPHAN TRUST
EL DORADO, COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

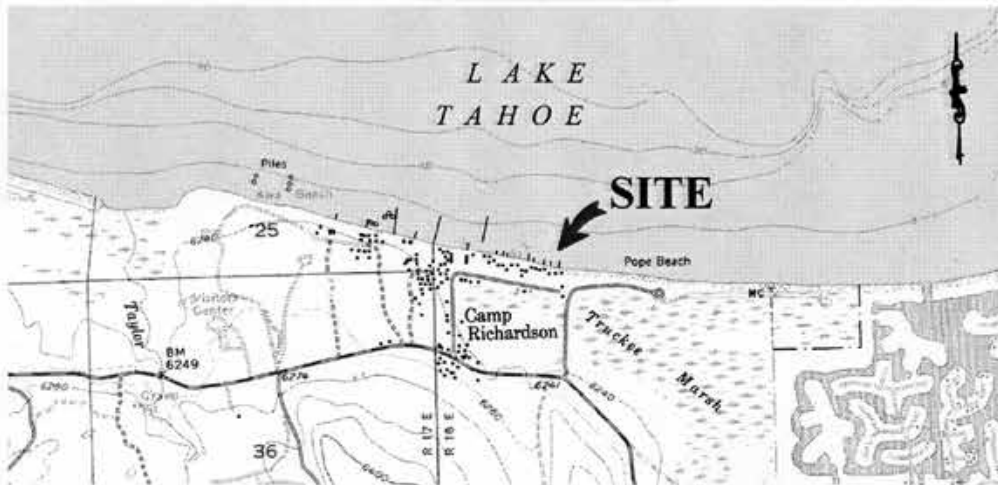
SITE



3095 JAMESON BEACH ROAD, NEAR SOUTH LAKE TAHOE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 3505.1
KAPHAN TRUST
APN 032-120-09
GENERAL LEASE -
RECREATIONAL LEASE
EL DORADO COUNTY



MJJ 4/13/15